

SECOND REGULAR SESSION
[RE-CORRECTED]
[CORRECTED]
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1654 & 1156
91ST GENERAL ASSEMBLY

Taken up for Perfection April 10, 2002.

House Substitute for House Committee Substitute House Bill Nos. 1654 & 1156 ordered Perfected and printed, as amended..

TED WEDEL, Chief Clerk

3508L.07P

AN ACT

To repeal sections 191.900, 191.910, 197.310, 197.317, 197.318, 197.340, 197.367, 197.455, 198.006, 198.012, 198.022, 198.026, 198.029, 198.032, 198.036, 198.039, 198.067, 198.070, 198.073, 198.080, 198.082, 198.085, 198.086, 198.088, 198.090, 198.093, 198.525, 198.526, 198.531, 198.532, 208.156, 210.933, 210.936, 344.050, 565.186, 565.188, 565.190, 630.140, 630.167, 660.050, 660.263, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof seventy-six new sections relating to protection of the elderly, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 191.900, 191.910, 197.310, 197.317, 197.318, 197.340, 197.367,
2 197.455, 198.006, 198.012, 198.022, 198.026, 198.029, 198.032, 198.036, 198.039, 198.067,
3 198.070, 198.073, 198.080, 198.082, 198.085, 198.086, 198.088, 198.090, 198.093, 198.525,
4 198.526, 198.531, 198.532, 208.156, 210.933, 210.936, 344.050, 565.186, 565.188, 565.190,
5 630.140, 630.167, 660.050, 660.263, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320,
6 RSMo, are repealed and seventy-six sections enacted in lieu thereof, to be known as sections
7 187.010, 187.015, 187.020, 187.024, 187.028, 187.030, 187.034, 187.040, 187.050, 187.080,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 187.084, 187.087, 187.090, 187.100, 187.102, 191.900, 191.910, 197.310, 197.317, 197.318,
9 197.340, 197.370, 197.455, 198.006, 198.012, 198.019, 198.022, 198.026, 198.029, 198.030,
10 198.032, 198.036, 198.039, 198.046, 198.067, 198.068, 198.073, 198.074, 198.080, 198.082,
11 198.085, 198.086, 198.088, 198.090, 198.093, 198.094, 198.345, 198.525, 198.526, 198.531,
12 198.532, 198.665, 198.668, 208.156, 210.933, 210.936, 344.050, 354.407, 491.076, 565.200,
13 630.140, 630.167, 660.030, 660.050, 660.051, 660.071, 660.252, 660.263, 660.270, 660.302, 1,
14 2, 3, 4, 5 and 6, to read as follows:

187.010. As used in this chapter unless the context clearly indicates otherwise, the following terms mean:

- 3 (1) "Abuse", the infliction of physical, sexual or emotional injury or harm, the
4 taking, obtaining, using, transferring, concealing, appropriating or taking possession of
5 property of another person without such person's consent, or the wasting of financial
6 resources including financial exploitation;
- 7 (2) "Court", the circuit court;
- 8 (3) "Department", the Missouri department of health and senior services;
- 9 (4) "Director", the director of the department of health and senior services;
- 10 (5) "Eligible adult", a person sixty years of age or older, or an adult with a
11 disability, as defined in section 660.053, RSMo, between the ages of eighteen and fifty-nine;
- 12 (6) "Facility" or "long-term care facility", any residential care facility I, residential
13 care facility II, intermediate care facility or skilled nursing facility;
- 14 (7) "Health care provider", any person delivering or purporting to deliver any
15 health care, including any employee, agent or other representative of such person;
- 16 (8) "In-home services client", an eligible adult who is receiving services in his or
17 her private residence through any in-home services provider agency;
- 18 (9) "In-home services employee", a person employed by an in-home services
19 provider agency;
- 20 (10) "In-home services provider agency", a business entity under contract with the
21 department of social services or the department of health and senior services, or a
22 Medicaid participation agreement, or an agency licensed by the department of health and
23 senior services pursuant to sections 197.400 to 197.470, RSMo, that employs persons to
24 deliver any kind of services provided for eligible adults in their private homes;
- 25 (11) "Intermediate care facility", any premises, other than a residential care facility
26 I, residential care facility II or skilled nursing facility, which is utilized by its owner,
27 operator or manager to provide twenty-four hour accommodation, board, personal care,
28 and basic health and nursing care services under the daily supervision of a licensed nurse
29 and under the direction of a licensed physician to three or more residents dependent for